

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

MARK MCCLESKEY, TRUSTEE AND INDIANA)	
STATE COUNCIL OF PLASTERERS AND CEMENT)	
MASONS HEALTH AND WELFARE AND PENSION)	
FUNDS)	No. 1:11-cv-795-SEB-MJD
)	
Plaintiffs,)	
)	
)	
LUCAS STUCCO & EIFS DESIGN, L.L.C.,)	
a Missouri corporation,)	
Defendant.)	

MOTION FOR AN AUDIT

Plaintiffs, by one of their attorneys, DONALD D. SCHWARTZ, and ARNOLD and KADJAN, respectfully request this Honorable Court to grant a motion for an audit as the liability of Defendant, LUCAS STUCCO & EIFS DESIGN, L.L.C., a Missouri corporation.

In support thereof, Plaintiffs state:

1. This case was filed on June 10, 2011 and service of process was obtained by special process server on August 4, 2011 as shown on the return of service previously filed.

2. Defendant did not answer or otherwise plead. A request for a default was granted on September 8, 2011.

3. Defendant is required to make fringe benefit contributions pursuant to the collective bargaining agreement with the Indiana State Council of Plasterers and Cement Mason Health and Welfare Pension funds. Plaintiffs need a payroll compliance audit to determine an amount for judgment.

WHEREFORE, Plaintiffs move this Court to order Defendant to produce records needed to conduct an audit.

Respectfully submitted,

By: s/Donald D. Schwartz
Counsel for Plaintiff

Donald D. Schwartz
ARNOLD AND KADJAN
203 N. LaSalle St., Ste. 1650
Chicago, IL 60601
(312) 236-0415

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of September 2011, a copy of foregoing Motion for An Audit and Order was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

s/Donald D. Schwartz
Counsel for Plaintiff

Attorney for Plaintiffs, Mark McCleskey, et. al.

Donald D. Schwartz
203 N. LaSalle St., Ste. 1650
Chicago, Illinois 60601
Telephone: 312-236-0415
E-mail: dds3662@yahoo.com

Lucas Stucco & EIFS Design, L.L.C.
c/o its Registered Agent, Norbert Glassl
200 North Broadway, Suite 700
St. Louis, MO 63102